UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,903	03/25/2004	Keith Salvucci	119-0027US	7264

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/809,903	SALVUCCI, KEITH
	Examiner	Art Unit	
	Nicholas S. Ulrich	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 August 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

2.   Claims 1-29 are pending.

3.   Claims 1-29 are rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

4.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bolante in view of Digidesign (Pro Tools Reference Guide).

In regard to claim 1, Bolante discloses a method for editing an media file

comprising one or more media segments, using software designed for use on a general-

purpose computer, the software having a graphical user interface comprising a cursor

and an iconographic timeline indicating different locations within the file, the method

comprising *(Pg 9 Paragraph 4: Bolante discusses using Premiere for editing digital*

video, audio, still images, and text (which are all considered media files) on a desktop

computer; Pg 16 Paragraph 2: Bolante discusses operating systems to run the program;

Pg 23 Paragraph 1 fines 3-4: Bolante discusses the graphical representation of media

clips arranged in a timeline window; and Pg 24 Figure 7.5 and Paragraph 1: Bolante

shows and discusses the user interface and cursor associated with Premiere):

receiving from a user interface signals corresponding to positioning the cursor

over the timeline in a position corresponding to an endpoint of a media segment *(Pg 24*

Paragraph 4: Bolante discusses moving the pointer (or cursor) within the timeline to the

outpoint on the right edge of the clip. The outpoint is considered the endpoint);

receiving from the user interface signals corresponding to grabbing and moving

the endpoint within the timeline *(Pg 24 Paragraph 5 - Pg 25 Paragraph 2)*;

While Bolante teaches audio scrubbing, they fail to show the audio scrubbing

together with and corresponding to the movement of the endpoint and changing the

length of the media segment in response to the movement of the endpoint as recited in

the claims. Digidesign teaches a media segment editor similar to that of Bolante. In

addition, Digidesign further teaches a scrub trimmer which scrubs and trims audio

simultaneously by manipulating an endpoint within a timeline *(Pg 254: The Scrub*

Trimmer). It would have been obvious to one of ordinary skill in the art, having the

teachings of Bolante and Digidesign before him at the time the invention was made, to

modify the edit function taught by Bolante to include the audio scrubbing of Digidesign,

in order to obtain a scrub trimmer. It would have been advantageous for one to utilize

such a combination as a convenient tool for auditioning material to find a trim point

would have been obtained, as suggested by Digidesign *(pg 254: The Scrub Trimmer)*.

In regard to claim 2, Bolante discloses the method further comprising displaying an iconographic affordance indicating available directions for moving the endpoint *(Pg 24 Paragraph 4 fine 2: Bolante demonstrates and shows the trim out tool where the pointer (or cursor) changes to the image shown).*

In regard to claim 3, Bolante discloses the method wherein the affordance comprises an arrow *(Pg 24 Figure 7.5: Bolante enlarges a view of the trim out tool which contains arrows as shown in the Figure).*

In regard to claim 4, Bolante discloses the method wherein an iconographic representation of the endpoint changes to indicate whether the segment length may be changed *(Pg 25 Paragraph 2: Bolante inherently shows that the endpoint changes to indicate whether the segment length may be changed by switching between a folded edge and a normal edge. When the edge is folded, the user knows that the endpoint cannot be extended any further. When the edge is not folded the user knows that the endpoint can be extended).*

In regard to claim 5, Bolante discloses the method wherein the iconographic representation of the endpoint comprises squared edges to indicate that the segment has been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when the clip cannot be extended any further a folded corner is displayed on the edge. This inherently shows*

that if the endpoint had been shortened from its maximum length, then the folded corner

would not be present and a squared corner would indicate that the endpoint had been

shortened).

In regard to claim 6, Bolante discloses the method wherein the iconographic

representation of the one or more endpoints comprises rounded edges to indicate that

the segment has not been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when*

the clip cannot be extended any further a folded corner is displayed on the edge. This

inherently shows that if the endpoint had not been trimmed then it would be full length

and display a folded corner to indicate that it had not been trimmed).

In regard to claim 7, Bolante discloses the method further comprising: displaying

representative frames corresponding to the audio video segment endpoint *(Pg 25*

Paragraph 1: Bolante discusses using edge viewing which displays the current edge

frame).

In regard to claim 8, Bolante discloses the method wherein the media file is an

audio/video file *(Pg 9 Paragraph 4: Digital video is well known in the art to be an*

audio/video file because it can contain both audio and video).

In regard to claim 9, Bolante discloses the method wherein the media file is an

audio file *(Pg 9 Paragraph 4).*

In regard to claim 10, Bolante discloses the method wherein the media file is a video file *(Pg 9 Paragraph 4)*.

In regard to claims 11-20, Computer readable medium claims 11 through 20 correspond generally to method claims 1 through 10, respectively, and recite similar features in readable medium form, and therefore are rejected under the same rationale.

In regard to claim 21, Bolante discloses a graphical user interface for a media editing program executed by a general purpose computer, the graphical user interface comprising *(Pg 16 Paragraph 2: Bolante discusses the operating systems that run the program which inherently shows the use of a general purpose computer; and Pg 24 Figure 7.5: Bolante shows the user interface)*:

a cursor *(Pg 24 Paragraph 2: The selection tool is considered a cursor)*;

an iconographic timeline, wherein the cursor may be movably positioned along the iconographic timeline *(Pg 23 Paragraph 1 lines 3-4: Bolante discusses a timeline window graphically representing clips of the program arranged in time; and Pg 24 Paragraph 1: Bolante discusses using the default tool and positioning it at a clip edge in the timeline)*;

an iconographic illustration of one or more endpoints of a media segment, the endpoints being located along the timeline, wherein the cursor changes appearance when positioned proximate an endpoint of the media segment to indicate that a length

of the media segment may be changed *(Pg 24 Paragraph 2 - Pg 25 Paragraph 2:*
Bolante discusses the tool changing when placed on the edge of a media segment and
also discusses the edge of the media segment displaying a folded comer when the
edge cannot be moved out any further).

While Bolante teaches audio scrubbing, they fail to show the audio scrubbing
together with and corresponding to the movement of the endpoint and changing the
length of the media segment in response to the movement of the endpoint as recited in
the claims. Digidesign teaches a media segment editor similar to that of Bolante. In
addition, Digidesign further teaches a scrub trimmer which scrubs and trims audio
simultaneously by manipulating an endpoint within a timeline *(Pg 254: The Scrub*
Trimmer). It would have been obvious to one of ordinary skill in the art, having the
teachings of Bolante and Digidesign before him at the time the invention was made, to
modify the edit function taught by Bolante to include the audio scrubbing of Digidesign,
in order to obtain a scrub trimmer. It would have been advantageous for one to utilize
such a combination as a convenient tool for auditioning material to find a trim point
would have been obtained, as suggested by Digidesign *(pg 254: The Scrub Trimmer).*

In regard to claim 22, Bolante discloses the graphical user interface wherein the
cursor changes appearance to an arrow indicating one or more directions in which the
endpoint of the media file may be moved, the movement of the endpoint corresponding
to a change in the length of the media segment *(Pg 24 Paragraph 2-5).*

In regard to claim 23, Bolante discloses the graphical user interface wherein the iconographic representation of the one or more endpoints changes to indicate whether the segment length may be changed *(Pg 25 Paragraph 2)*.

In regard to claim 24, Bolante discloses the graphical user interface wherein the iconographic representation of the one or more endpoints includes squared edges to indicate that the segment has been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when the clip cannot be extended any further a folded corner is displayed on the edge. This inherently shows that if the endpoint had been shortened from its maximum length, then the folded corner would not be present and a squared corner would indicate that the endpoint had been shortened)*.

In regard to claim 25, Bolante discloses the graphical user interface wherein the iconographic representation of the one or more endpoints includes rounded edges to indicate that the segment has not been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when the clip cannot be extended any further a folded corner is displayed on the edge. This inherently shows that if the endpoint had not been trimmed then it would be full length and display a folded corner to indicate that # had not been trimmed)*

In regard to claim 26, Bolante discloses the graphical user interface further comprising: at least one representation of media corresponding to the endpoint *(Pg 25*

Paragraph 1: Bolante discusses using edge viewing which displays the current edge

frame).

In regard to claim 27, Bolante discloses the graphical user interface wherein the media segment is an audio/video file (*Pg 9 Paragraph4: Digital video is well known in the art to be an audio/video file because it can contain both audio and video).*

In regard to claim 28, Bolante discloses the graphical user interface wherein the media segment is an audio file *(Pg 9 Paragraph 4).*

In regard to claim 29, Bolante discloses the graphical user interface wherein the media segment is a video file (*Pg 9 Paragraph 4).*

Response to Arguments

5.   Applicant's arguments see Response to Final Office Action, filed 8/20/2007, with respect to claims 1-29 have been fully considered and are persuasive. The 35 U.S.C. 102 rejections of claims 1-29 have been withdrawn.

Examiner agrees with applicant that the cited reference, Premier 6.5 for Windows and Macintosh: Visual Quickstart Guide by Antony Bolante, in fact does contradict itself. One passage cited by the examiner (pg 1 paragraph 1), states, "scrubbing the edit line allows you to watch an effect right away, **but without audio**". Another passage cited by the examiner (pg 3 paragraph 5), discusses **playing audio** while scrubbing. This is

contradictory and therefore will not be used as a basis for rejecting the current invention.

Examiner further agrees with applicant in regards to the cited reference failing to teach providing scrubbing simultaneously with changing the length of the media segment. Upon further search of this limitation, it was found that Digidesign (Pro Tools Reference Guide) discloses a scrub trimmer, which in fact does teach scrubbing and trimming a media segment simultaneously. It also teaches grabbing and moving a endpoint of the media segment with scrub trimmer, but only refers to the endpoints as right or left **sides** of a region.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
8/24/2007
2173

TADESSE HAILU
Patent Examiner